

1650

EASEMENT - DISTRIBUTION FACILITIES

All facilities on Grantor:

STATE OF ALABAMA)

W. E. No. 61500-00-03478-00

COUNTY OF SHELBY)

Parcel No. _____

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That JOEL HOWARD AND WIFE KAREN

HOWARD

as grantor(s), (the "Grantor", whether one or more) for and in consideration of One and No/100 Dollars (\$1.00), and other good and valuable consideration, to Grantor in hand paid by Alabama Power Company (the "Company"), a corporation, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Company, the easements, rights and privileges described and designated in Section B below, together with the right to permit other persons, partnerships and corporations to use and exercise such easements, rights and privileges in common with the Company.

B. RIGHTS The easements, rights and privileges granted hereby are as follows (if less than all of 1-3 are granted, then check and initial applicable paragraphs):

() 1. Overhead and/or Underground. The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described in Section C below, along a route to be selected by the Company which is generally shown on the attached drawing (which shows the general location of underground facilities, if any, by cross-hatching indicating an area not greater than ten feet (10') in width), all poles, towers, wires, conduits, fiber optics, cables, translosures, transformers, anchors of concrete, metal or other material, guy wires and other materials, appliances, facilities and other apparatuses of whatever type, whether now or in the future existing or known which are useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or underground transmission and distribution of electric power and for overhead and/or underground communication service, and also the right to clear a strip extending fifteen feet (15') to either side of the center line of the lines of poles and keep it cleared of all trees, undergrowth or other obstructions; further, the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the thirty foot (30') strip which, in the sole opinion of the Company, might endanger, interfere with or fall upon the poles, lines, or other appliances of the Company.

() 2. Line Clearing. The right to cut and trim and to keep cut and trimmed, and remove all dead, weak, leaning or dangerous trees or limbs, which, in the Company's sole discretion, now or may hereafter endanger or interfere with the electric transmission lines, telephone lines, poles, towers or other facilities of the Company or others now constructed, or which may hereafter be constructed, on or adjacent to the Property described in Section C below, and also the right to clear a strip extending fifteen feet (15') to either side of the center line of the lines of poles and keep it cleared of all trees, undergrowth or other obstructions.

() 3. Guy Wire and Anchor. The right to implant, install and maintain anchor(s) of concrete, metal or other material at _____ point(s) on the Property described in Section C below, and to construct, extend and maintain guy wires from such anchor(s) to structures now erected or hereafter to be erected on such Property or property adjacent thereto (collectively, "Guy Wire Facilities").

03/26/1999-12698
SHELBY COUNTY JUDGE OF PROBATE
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In addition to the easements, rights and privileges granted in all or any of 1, 2, or 3 above, Grantor hereby grants to the Company all easements, rights and privileges necessary or convenient for the full enjoyment and use thereof, including without limitation the right of ingress and egress to and from the Company's Facilities and Guy Wire Facilities, as applicable, and the right to excavate for installation, replacement, repair and removal thereof; and also the right to cut, remove and otherwise keep clear any and all structures, obstructions or obstacles of whatever character, on, under and above said Facilities and Guy Wire Facilities, as applicable.

C. PROPERTY DESCRIPTION The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean, the following described real property situated in SHELBY County, Alabama (the "Property"):

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS INSTRUMENT PREPARED
BY Robert Bowden
ALABAMA POWER COMPANY
P. O. BOX 2641
BIRMINGHAM, AL 35291

D. GENERAL In the event it becomes necessary or desirable for the Company to move any of its Facilities in connection with the construction or improvement of any public road or highway in proximity to its Facilities, Grantor hereby grants to the Company the right to relocate its Facilities on said Property, provided, however, the Company shall relocate its Facilities at a distance no greater than ten feet (10') outside the boundary of the right of way of any such public road or highway as established or re-established from time to time. In the event that none of options 1 through 3 in Section B above are marked, then Grantor hereby grants all easements, rights and privileges described in such option 1. This grant and agreement shall be binding upon and shall inure to the benefit of Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

TO HAVE AND TO HOLD the foregoing easements, rights and privileges to the Company, its successors and assigns, forever.

[individuals and parties in representative capacity - indicate capacity]

199 8 IN WITNESS WHEREOF, the undersigned Grantor(s) has/have set his/her/their hand(s) and seal(s) this the 22 day of July

Witness Ann Askea

(Grantor) Jail Thal

Witness Ann Askea

(Grantor) Karen J. Howard

Witness _____

By: _____ (SEAL)
As: _____

Witness _____

By: _____ (SEAL)
As: _____

Witness _____

By: _____ (SEAL)
As: _____

Witness _____

By: _____ (SEAL)
As: _____

[corporations, partnerships, L.L.C.'s, etc. - including in representative capacity]

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by _____, its authorized representative, as of _____, 199____.

ATTEST (if corporation) or WITNESS:

(Grantor) _____

By: _____
Its: Secretary

By: _____ (SEAL)
Its: _____
[indicate President, General Partner, Member, etc.]

ATTEST (if corporation) or WITNESS:

By: _____ (SEAL)

By: _____
Its: Secretary

Its: _____
[indicate President, General Partner, Member, etc.]

[individuals and parties in representative capacity]

STATE OF ALABAMA }

COUNTY OF _____ }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that _____ whose name(s) [as _____ respectively] is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they [in such capacity as aforesaid] executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal, this the _____ day of _____, 199____.

[SEAL]

Notary Public
My commission expires: _____

[corporations, partnerships, L.L.C.'s, etc. - including in representative capacity]

STATE OF ALABAMA }

COUNTY OF _____ }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that _____ whose name as _____ of _____ [as _____], is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she, as such _____ and with full authority, executed the same voluntarily for and as the act of said _____ [acting in such capacity as aforesaid].

Given under my hand and official seal, this the _____ day of _____, 199____.

[SEAL]

Notary Public
My commission expires: _____

OUR FILE: 94078RB
PID # 03-6-24-0-000-009-019

EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land situated in the Northwest 1/4 of Section 24, Township 18 South, Range 1 West, Shelby County, Alabama; being more particularly described as follows: Beginning at an existing iron pin found at the most Southerly corner of Lot 3-A, as shown on the survey of Mountain View Lake Company First Sector, as recorded in Map Book 3 on page 135, in the Office of the Judge of Probate of Shelby County, Alabama; run thence in a Northeasterly direction along the Northwest lot line of said Lot 3-A, for a measured distance of 212.65 feet (212.85 feet recorded) to an existing iron pin found at the most Northerly corner of said Lot 3-A; thence turn an angle to the left of 14 deg. 24 min. 09 sec. and run in a Northeasterly direction for a distance of 252.49 feet; thence turn an angle to the left of 41 deg. 56 min. 36 sec. and run in a Northwesterly direction for a distance of 601.11 feet to a point on the Southeast right of way line of Shelby County Highway No. 41; thence turn an angle to the left of 99 deg. 50 min. 34 sec. and run in a Southwesterly direction along said Southeast right of way line of said Highway No. 41 for a distance of 1,023.18 feet; thence turn an angle to the left of 95 deg. 01 min. 41 sec. and departing said right of way line run in a Southeasterly direction for a distance of 491.68 feet to an existing iron pin; thence turn an angle to the left of 8 deg. 40 min 40 sec. and run in a Southeasterly direction for a distance of 215.50 feet to an existing iron pin; thence turn an angle to the left of 20 deg. 23 min. 20 sec. and run in a Southeasterly direction for a distance of 102.55 feet to an existing iron pin; thence turn an angle to the left of 32 deg. 26 min. 30 sec. and run in an Easterly direction for a distance of 105.0 feet to an existing iron pin; thence turn an angle to the left of 34 deg. 47 min. 00 sec. and run in a Northeasterly direction for a distance of 105.51 feet to an existing iron pin; thence turn an angle to the left of 8 deg. 35 min. 00 sec. and run in a Northeasterly direction for a distance of 133.12 feet to an existing iron pin; thence turn an angle to the right of 73 deg. 24 min. 30 sec. and run in a Southeasterly direction for a distance of 10.2 feet, more or less, to the point of beginning; being situated in Shelby County, Alabama.

Inst # 1994-12427

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